

Members of the Judiciary Committee,

5102

I would like to thank you for giving us the opportunity to address you today, regarding House Bill 5102.

This bill is intended to address the JRR recommendation that the number of judges serving Huron County be reduced from 3 to 2. While we contend this reduction will reduce the level of judicial service to the people who utilize those courts, we acknowledge that in today's environment of ever decreasing resources, this may be necessary. To the end that this change is inevitable, we are here to indicate we will do our best to cooperate and implement the changes with the least amount of inconvenience to the public we serve.

To date it has been suggested that these reductions can be achieved by attrition. In Huron County, our Circuit Judge is age limited, and will be retiring by year end 2014. The proposed solution set forth in HB 5102 is to eliminate that seat by eliminating the 52<sup>nd</sup> Circuit in its entirety and expanding the 24<sup>th</sup> Circuit to include Sanilac and Huron Counties.

Sanilac County is also slated to go from 3 judges to 2. This has already been accomplished by the retirement of the Probate Judge. A companion bill to HB 5102 calls for the District Judge to be designated as the Probate Judge in Sanilac County; thus creating a consolidation of two positions into one.

The result of these proposed changes is to have the two counties served by 1 circuit judge, 1 district judges, 1 probate judge and 1 probate/district judge combination.

The end result is to have 4 judges serving 2 counties, but in a fashion that blurs the traditional county lines as an election district.

We are opposed to this implementation piece for the reason that it is absolutely contrary to the concept of court unification and efficient use of judicial resources.

We are willing to support the concept of each county having two elected judges.

As espoused by the Chief Justice, we do not believe it is in the best interest of our constituents to perpetuate the concept of a particular type of judge doing a particular type of work, based on elections and titles. Rather, we believe that each county should be designated as a unified trial court with the judges each elected by the populous of their respective counties. Then, the elected trial judges would be charged with the responsibility of dividing the casework so that maximum service is obtained by the people using the courts.

In the event that additional resources are needed as a result of vacations, illnesses or caseload, then the court can use the SCAO to bring in additional resources.

As proposed, HB 5102 would place a single circuit judge on the road, running between two counties. Since the work of the combined traditional circuit court dockets plus the work of the family divisions clearly exceeds the capacity of one judge, it will then require that a second judge carry a portion of that load. Since the bill envisions Huron having two remaining full time judges and Sanilac only one, this will require one of the judges in Huron to then be on the road to assist in Sanilac.

Thus, in an effort to gain efficiency, HB 5102 causes two judges to be traveling back and forth between two counties.

Our suggestion is that this be done vertically. Instead of driving between two counties, the work gets transferred across the hall.

The rush to accomplish the reduction is unwise.

We would request that you do not eliminate the 52<sup>nd</sup> circuit, but wait until another vacancy occurs, as it inevitably will. During that time that Huron County has "excess resources" we can easily help our neighboring counties with their transitions. This plan then allows each county, Huron and Sanilac to form their own unified trial court which is developed along county lines.

As a closing thought:

We are mindful of the statements of the JRR and the Chief Justice calling for trial court unification. In addition, we are aware that your goal is promote the efficient and effective use and deployment of judicial resources where possible. We believe that this should be promoted at every chance.

One simple example of a fix that could be implemented, but has not been proposed is the standardization of all trial judges' salaries. It is ludicrous to claim that all trial judges are essentially fungible, yet pay one group 99.5% of the salary of the others.

A second would be making all trial judges locally elected state officials. Currently the State pays 100% of each judges' salary to the county, and then the county pays the judge, making the judge a county employee. While this saves the State the cost of providing health insurance to the judges, it also makes the power of the State Court Administrator's Office less effective when assigning cases from one county to another.

If we are really interested in the efficient and effective use of judicial resources on a statewide basis, these kinds of overall legislative changes can be far more effective use of your time than legislation which is targeted to try to fix one problem, in one county that occurs one time.